

Clerk, U.S. District Court
Southern District of Texas
FILED

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

OCT 11 2014

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Heriberto SOTO

CRIMINAL COMPLAINT

Case Number:

C-14-1097M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about October 10, 2014 in Brooks County, in the
(Date)

Southern District of Texas defendant, **Heriberto SOTO**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Special Agent and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of ICE Special Agent **Casandra Anderson**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Casandra Anderson
Signature of Complainant

Casandra Anderson
Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found on

October 11, 2014
Date

at

B. Janice Ellington U.S. Magistrate Judge
Name and Title of Judicial Officer

Corpus Christi, Texas
City and State
B. Janice Ellington
Signature of Judicial Officer

A F F I D A V I T

On October 10, 2014, at approximately 5:00 p.m., a 2008 Red Freightliner tractor displaying Colorado license plate 400TWU, approached the primary inspection lane of the Office of Border Patrol (OBP) checkpoint located approximately thirteen (13) miles south of Falfurrias, Texas on U.S. Highway 281. The driver, Heriberto SOTO, advised OBP Agent Martinez that he is a United States citizen and he was traveling alone. While OBP Agent Martinez was conducting his immigration inspection, OBP Agent Cancino advised Agent Martinez that his canine had alerted to the cabin area of the tractor. Agent Martinez asked SOTO for consent to search the vehicle. SOTO granted Agent Martinez consent to search the tractor and SOTO was directed to the secondary inspection area. In the secondary inspection area Agent Cancino's canine once again alerted to the tractor. Upon entering the tractor Agent Cancino found several subjects hiding inside the sleeper area of the cab. A total of eight (8) subjects were found inside the sleeper area, four (4) adults and four (4) juveniles all determined to be illegally present in the United States.

Principal Statements

SOTO was read his Miranda Rights by OBP agents and agreed to make a statement without an attorney present. SOTO stated he traveled to the Hidalgo, Texas in order to pick up a shipment of tomatoes to drive to Colorado. SOTO related he picked up the shipment of tomatoes that same day at approximately 2:00 p.m. SOTO said he stopped at the Stripes convenience store/gasoline station at approximately 3:00 p.m. in order to fuel up his tractor. SOTO explained he was approached by the eight (8) subjects who asked him for a ride. SOTO stated that because of the appearance of the subjects and the fact that they did not speak English he believed the subjects to be illegally present in the United States. SOTO related he knows it is illegal to transport subjects that are illegally present in the United States. SOTO stated he was not going to be paid. SOTO explained there were more people with the eight (8) subjects that had approached him but he could only fit the eight (8) subjects within the tractor. SOTO stated he was going to drop off the subjects in Three River, Texas and proceed north to Colorado. SOTO stated that the \$4,139.00 in his possession was proceeds from a legitimate shipment he had dropped off two (2) weeks prior.

Material Witness Statements

Dina Elizabeth GOMEZ-Bonilla was read her Miranda Rights in the Spanish language by OBP agents and agreed to make a statement without an attorney present. GOMEZ stated she is a citizen of El Salvador illegally present in the United States. GOMEZ related that she illegally made entry into the United States on October 3, 2014, at approximately 12:00 p.m. GOMEZ said after crossing the Rio Grande River the group walked until they arrived to an abandoned house where they stayed for several hours before being picked up by a truck and taken to an apartment. GOMEZ related she stayed in the house for approximately eight (8) days and was then picked up by a truck and taken to a parking lot of a store. GOMEZ explained the driver of the truck told the group to enter into the tractor that had the driver's door open. GOMEZ stated she entered the red tractor and sat on a bed. GOMEZ related she noticed an older Hispanic man sitting in the passenger's seat. GOMEZ stated the driver of the tractor told three (3) people to hid under the bed, two (2) on top of the bed, and three (3) on the lower bed. GOMEZ said she was hiding

on the lower bed but then decided to hide behind the driver's seat in the closet. GOMEZ stated the tractor began to move an hour and a half later.

GOMEZ was shown a photo lineup containing a photo of SOTO and positively identified SOTO as the driver of the tractor and person who instructed the undocumented aliens to hide.

Moliva Maribel GARCIA-Quintanilla was read her Miranda Rights in the Spanish language by OBP agents and agreed to make a statement without an attorney present. GARCIA stated she is a citizen of Honduras illegally present in the United States. GARCIA related that she illegally made entry into the United States approximately fifteen (15) days prior through Reynosa, Tamaulipas, Mexico. GARCIA explained she and a group of approximately fifty (50) people crossed the Rio Grande River via raft. GARCIA said she and two (2) other walked to a house and were directed to change into dry clothing. GARCIA related she was then taken to an orange and beige apartment, room 1A, where she stayed for two (2) weeks. GARCIA related she was allowed to come to and from the apartment in order to buy food, clothing, and other household essentials for herself and the fourteen (14) other subjects being housed at the apartment.

GARCIA explained that day at approximately 1:00 p.m., the caretaker of the apartment and another man drove her and the other subjects in two (2) separated Ford F-150 trucks, one (1) black and one (1) grey, to the parking lot of a gasoline station to meet the driver of the tractor. GARCIA related she believed it was the parking lot of a Texaco gasoline station in McAllen, Texas. GARCIA stated the driver of the tractor directed her to hide behind him in the cabin of the tractor, instructed three (3) subjects to hide in both the top bed and in the closet, he directed two (2) of the juveniles to hide in a compartment under the bed along with one (1) adult male. GARCIA related the two (2) juveniles and male began knocking on the bed frame asking for it to be opened so they could get air. GARCIA related she would pull the bed up every few minutes so that they could get air because they were unable to open the compartment up themselves. GARCIA related when SOTO was sent to the secondary inspection area of the OBP checkpoint he began to swear, became very loud and tense, and told the subjects that they had been caught.

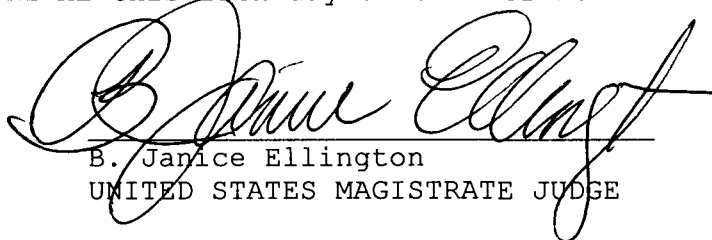
GARCIA was shown a photo lineup containing a photo of SOTO and positively identified SOTO as the driver of the tractor and person who instructed the undocumented aliens to hide.

There were no exculpatory statements.



Cassandra Anderson, Special Agent
Homeland Security Investigations

SWORN TO AND SUBSCRIBED BEFORE ME this 11th day of October 2014



B. Janice Ellington
UNITED STATES MAGISTRATE JUDGE